

REMARKS

This is responsive to the non-final Office Action dated October 12, 2007. By this Response, claims 6-13, 16, 17, 31 and 32 are amended. No new matter is introduced. Claims 1-5, 14, 15, 20-30 and 33 are cancelled without prejudice. Claims 6-13, 16-19, 31 and 32 are active for examination.

The Office Action

The Examiner is thanked for the favorable indication that claims 6, 16, 31 and 32 are allowable certain deficiencies are addressed. The Office Action rejects claim 1-13 under 35 U.S.C. §101 for allegedly directing to non-statutory subject matter. Claims 1-13 and 32 are rejected under 35 U.S.C. §112, second paragraph for being indefinite. Claims 1-4, 7, 14-15, 17-18, 27 and 29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cockrill et al. (U.S. Publication No. 2003/0208442) in view of Fischer (U.S. Publication No. 2002/0010638). Claims 5, 8, and 12-13 stand ejected under 35 U.S.C. §103(a) as being unpatentable over Cockrill in view of Fisher and further in view of Almeida et al. (U.S. Publication No. 2004/0083125). The Office Action rejects claims 9-11 under 35 U.S.C. §103(a) as being unpatentable over Cockrill in view of Fisher and Almeida, and further in view of Morohashi et al. (U.S. Patent 6,105,003). Claims 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Cockrill in view of Fisher and Official Notice. Claims 6, 16, 31 and 32 are objected to for being dependent upon a rejected base claim.

It is respectfully submitted that the claim objection is addressed and the rejections are overcome or moot, in light of the amendments and/or remarks presented herein.

The Rejections under 35 U.S.C. §101 and § 112, second paragraph Are Overcome, and Claims 6, 16, 31 and 32 Are in Condition for Allowance

The Examiner favorably indicated that dependent claims 6, 16, 31 32 would be allowable if the claims are rewritten into independent form including all of the limitations of the base claims and any intervening claims on which they depend; and if claim 31 is further amended to overcome the rejections applied to claim 1, the base claim upon which claim 31 depends.

By this Response, claims 6, 16, 31 and 32 are rewritten into independent form as suggested by the Examiner. Furthermore, it is submitted that the rejections applied to claim 1 under 35 U.S.C. §101 and § 112, second paragraph are overcome.

In applying the rejection under 35 U.S.C. §101, the Office Action asserts that “Claim 1 recites various ‘sections’ that are drawn to disembodied computer code,” and that “there is no storage and executing of these ‘sections,’ the claim is merely directed to a computer program per se. Applicants respectfully differ.

The various alleged “sections” are not merely computer programs per se. Rather, as the claim suggests, the claimed invention relates to a customer information control apparatus including various components embodied using one or more hardware components, such as a customer information control system 8 illustrated in Fig. 1, connecting to various terminals 10 via the internet 9. It is understood that software per se, without being embodied in one or more data storage device or being executed by a data processing system, cannot “connect” or “couple” to terminals via networks. This is further evident from the specification’s discussion that the processing apparatus can “comprise dedicated hardware or programmable hardware...such as [a] general purpose computer.” See paragraph [0059] of the original specification. Thus, it is evident that claim 1 is not directed to software per se. Rather, the claim is for a practical

application which achieves a particular result that is useful, tangible and concrete. Accordingly, the section 101 rejection as applied to claim 1 is respectfully overcome.

Cautions have been paid to address the issues raised by the rejections of claims 1 and 32 under 35 U.S.C. § 112, second paragraph.

It is submitted that claims 6, 16, 31 and 32 are now in condition for allowance.

Claims 7-13 and 17-19 Patentable Based on Their Respective Dependencies

Claims 7-13 and 17-19 depend on claims 6 and 16, respectively. As claims 6 and 16 are patentable, claims 7-13 and 17-19 also are patentable. Favorable reconsideration of claims 7-13 and 17-19 is respectfully requested.

CONCLUSION

Applicant believes that this application is in condition for allowance, and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. If the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicant's representatives listed below.

Serial No.: 10/069,063

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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